

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 5266 of 2007(B)

PETITIONER:

**O.P. NAMBIAR, AGED 76 YEARS,
S/O.LATE MR.NARAYANA KURUP, EX.LANDSNAIK
NO.6581553, RESIDING AT A-32,
DHARMAPURI COLONY, THOTTADA P.O.,
KANNUR-670 007, KERALA STATE.**

**BY ADV. SRI.V.S.AFSAL KHAN
SRI. V.M.MICHAEL
SMT.JISHAMOL CLEETUS
SMT.R.DYANA**

RESPONDENTS:

- 1. SENIOR RECORD OFFICER, OFFICE OF
THE SENA POLICE CORPS ABHILEKH KARYALAYA,
COPS OF MILITARY POLICE RECORDDS,
PIN-900 493, C/O.56 APO.**
- 2. THE PRINCIPAL CONTROLLER OF DEFENCE
ACCOUNTS (PENSION), OFFICE OF THE
PCDA, ALLAHABAD.**
- 3. THE MANAGER, STATE BANK OF INDIA,
FORT ROAD BRANCH, KANNUR-670 001.**

**BY ADV. SRI.R.SATHISH KUMAR, ADDL.CGSC
SRI.K.K.CHANDRAN PILLAI
SRI.R.V.SATHYAPRIYAN NAIR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C) NO.5266/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PENSION PAYMENT ORDER NO.6581553/OPN/NE(C.C) DT.24.3.06 ISSUED BY THE 1ST RESPONDENT.

EXT.P2:- COPY OF THE LETTER NO.6581553/OPN/NE (PEN) DT.19.6.06 ISSUED BY THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE LETTER NO .PENSION/31935 DT.29.5.06 ISSUED BY THE 3RD RESPONDENT ADDRESSED TO THE RESPONDENTS 1 AND 2 WITH COPY TO THE PETITIONER.

EXT.P4:- COPY OF THE REPRESENTATION NO. NIL DT. 8.12.06 SUBMITTED BY THE PETITIONER BEFORE THE HONOURABLE MINISTER FOR DEFENCE WITH COPY TO THE RESPONDENTS 1 AND 2.

EXT.P5:- COPY OF THE LETTER NO.AT/PSBNI/KANNUR/KERALA DT.29.3.07 ADDRESSED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT.

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 5266 of 2007-B

Dated this the 6th day of June, 2007.

J U D G M E N T

The petitioner has approached this Court, seeking the following reliefs:-

"i). To call for the records relating to Exhibits P-1 to P-4 and to issue a writ of mandamus or any other appropriate writ, direction or order directing the Respondents 1 and 2 to forward the Pension Payment Order No.D/4497/60 dated 30-8-1960 to the third Respondent with the details required in Exhibit P-3 Letter as expeditiously as possible at any rate within a stipulated time.

ii). To issue a writ of mandamus or any other appropriate writ, direction or order directing respondents 1 and 2 to consider and pass appropriate orders on Exhibit P-4 representation by forwarding the Pension Payment Order No.D/4497/60 dated 30-8-1960 to the third Respondent with copy to the petitioner immediately."

2. When the writ petition was taken up for hearing, the learned counsel for the petitioner submitted that the petitioner's grievance is

substantially redressed as his claim has been accepted and payment has been effected with effect from 1999. The learned counsel for the petitioner prays, the petitioner may be given liberty to represent claiming pension with retrospective effect from 1963. In view of the above submission, the Writ Petition is closed, without prejudice to the claim of the petitioner to claim the pension with retrospective effect.

K.BALAKRISHNAN NAIR,
JUDGE.

MS